

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
April 6, 2005

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., April 6, 2005, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Max W. Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2, Fulton Brock, District 1; Andrew Kunasek, District 3, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Stefanie Pesqueira, Administrative Coordinator; David Smith, County Manager; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

INVOCATION

Deanne Poulos, Board of Supervisors Press Secretary, delivered the invocation.

PLEDGE OF ALLEGIANCE

Darren Gerard, Deputy Director, Planning and Development, led the assemblage in the Pledge of Allegiance.

PET OF THE MONTH

Julie Bank, Maricopa County Animal Care & Control, introduced "Timothy" as the pet of the month and described him as a friendly Spaniel mix. Timothy is five years old and was turned in by his family. Ms. Bank advised he would make a great pet for a family as he is fully vaccinated, neutered, licensed and has a microchip implanted. Ms. Bank ended with hopes to find a new home for Timothy who will be available for adoption later today at the facility located at 5231 N. 35th Avenue. Supervisor Brock added that during his brief visit with Timothy before the meeting he noted his wonderful personality and mild mannerism. Supervisor Brock agreed that he would make a wonderful family pet. Lastly, Ms. Bank advised that the public can call for further information regarding pet adoptions at 602-506-PETS and view pictures of adoptable pets at www.pets.maricopa.gov.

PRESENTATION – PROCLAMATION OF ANIMAL CONTROL OFFICER APPRECIATION WEEK

Dr. Silva, Director, Animal Care and Control, acknowledged members of the Animal Care and Control staff for their services and dedication to the department. First, he introduced David Barthel who has worked for Animal Control since 1972 and is currently the supervisor of the westside shelter. Next, he introduced Nancy Spencer who is a lieutenant for the eastside field enforcement services and has worked for Animal Control for over ten years. Last, he introduced Teresa Vasquez who has worked in the licensing department since 1986. Dr. Silva stated that these people are just a few members of the staff representing the Animal Care department and their superior services.

Dr. Silva stated that after only seven months in his current position he is honored and thrilled to work with true professionals and caring individuals who serve their community daily. These people provide critical services to Maricopa County residents and their pets with a dual mission. First, they protect the public health and safety of citizens by preventing the spread of disease and taking care of potentially dangerous animals. Second, they protect the welfare of helpless pets from abandonment, injury, disease, and starvation by providing shelter, identification, and the opportunity for a new home. They also provide many critical services to pet owners who may have lost their pet. Dr. Silva thanked the board for the opportunity to propose a proclamation to recognize the important role of the hard working individuals at Animal Care and Control and the services they provide.

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Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a proclamation designating the week of April 11-17, 2005 as "Animal Control Officer Appreciation Week". (C7905084M00) (ADM2300)

**PROCLAMATION
ANIMAL CONTROL OFFICER APPRECIATION WEEK
APRIL 11-17, 2005**

WHEREAS, Animal Care and Control professionals rescue thousands of dogs and cats from unsafe and cruel situations each year, and

WHEREAS, Animal Care and Control professionals humanely care for thousands of animals each year that enter into their facilities, and

WHEREAS, Animal Care and Control professionals educate the community regarding pet responsibility and care, and

WHEREAS, Animal Care and Control professionals protect the safety of the public from animal bites, and

WHEREAS, Animal Care and Control professionals protect the public from zoonotic diseases, and

WHEREAS, Animal Care & Control professionals serve all of Maricopa County, and

WHEREAS, Animal Care & Control professionals enforce animal control and welfare laws to ensure the safety of pets and compliance of pet ownership, and

WHEREAS, Animal Care & Control offers assistance to other governmental or municipal agencies every day.

NOW, THEREFORE, BE IT RESOLVED by the Maricopa County Board of Supervisors that April 11-17, 2005 is designated "Animal Control Officer Appreciation Week." The Maricopa County Board of Supervisors calls upon the people of Maricopa County to observe the day by celebrating the work that animal control officers do in your community.

DATED this 6th Day of April, 2005

/s/ Max W. Wilson, Chairman

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS

Chairman Wilson called for a public hearing on liquor license application a) as outlined below. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek, to recommend approval of the following liquor license application. Motion carried by a majority vote with Supervisors Stapley, Kunasek, Wilcox and Wilson voting "aye" and Supervisor Brock voting "nay."

- a. Application filed by Daniel Merlyn Poland for a Special Event Liquor License: (F23164) (SELL676)

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Business Name:	Valley of the Sun Pagan Projects, Inc.
Location:	Estrella Mountain Regional Park, Goodyear, AZ
Date/Time:	April 15, 2005, 11:00 am – 10:00 pm April 16, 2005, 11:00 am – 10:00 pm

The Clerk announced that Application b), as outlined below had been **withdrawn** by the applicant.

- b. Application filed by Frank Peter Mangieri for a Temporary Extension of Premises/Patio Permit: (ADM664-80)

Business Name:	Franco's Ristorante WITHDRAWN
Location:	3655 W. Anthem Way, S-C137, Anthem, AZ 85086
Date/Time:	April 10, 2005, 3:00 pm – 10:00 pm

Chairman Wilson called for a public hearing on liquor license application d). No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek, to recommend approval of the following liquor license application. Motion carried by a majority vote (4-1-0) with Supervisors Stapley, Kunasek, Wilcox and Wilson voting "aye" and Supervisor Brock voting "nay."

- d. Application filed by Annabelle Cooper for a Person-to-Person Transfer of a Series 6 Liquor License from Rosella L. Schuman: (LL6142)

Business Name:	Last Chance
Location:	26427 S. Arizona Avenue, Chandler, AZ 85248

Chairman Wilson called for a public hearing on liquor license application c) as outlined below. Applicant's attorney, Richard Burney, came forward to testify on this application.

- c. Application filed by Gene Carlton Howard for a Person-to-Person Transfer and a Transfer-of-Location of a Series 7 Liquor License from Gus Theodoropoulos/JP's Sandwich Shops: (LL6141)

Business Name:	Fantasy Island DENIED
Location:	963 E. Curry Road, Tempe, AZ 85281
Former Location:	JP's Sandwich Shops, 741 E. Glendale, Phoenix, AZ 85020

Refer to back-up documentation for further information.

Mr. Burney referenced reports before the Board from several County departments submitting reviews on this application and he said the report from the Sheriff's Deputy was "very significantly flawed and contained erroneous information." Mr. Burney stated that the Deputy had used the "most extreme, dramatic language possible," giving the reader an erroneous depiction of the applicant's character and background. He gave several examples. He asserted that the report was not made available to County staff until yesterday and the applicant had not received a copy directly (Mr. Burney had received a copy on Tuesday, April 5, following receipt of the report by the Clerk's Office). Mr. Burney said he had petitions

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to enter into the record that contained 200 signatures of people living in the area who favor approval of the application, however, he did not submit the petitions and they were not entered.

Mr. Burney addressed the language from the Sheriff's report on the number of police calls – 14 calls in 2004 – of which none of the incidents had resulted in a written police report but were always described in the "most dramatic language possible by the Sheriff's Department." He also discussed police calls to the address in 2003, one of which resulted in a police report; and in 2002 a report of 13 calls.

Mr. Burney asked that the Board vote to "neither approve nor disapprove (the application) at this time and let the process continue."

Deputy Gary D'Agostino, Maricopa County Sheriff's Office, testified on information given in his report. He said that Fantasy Island Adult Club is a two-story structure, and is currently a totally nude gentlemen's club. He addressed the number of service calls as approximately 14 calls per year over the past three years. He said that some of the calls resulted in written reports, which are available. Regarding the totality of calls in 2004, he said several were incidental but he was concerned about several serious charges – of "sexual assault", "subject with a gun" and "trespassing." The highlighted calls in 2003 contained "forgery or bogus checks", "hit and run" and in a non-alcohol club a call for "drunks disturbing." In 2002 there were calls for "fraud or con game", "theft", "burglary from vehicle" and on June 28, 2002, at 1:00 a.m. there was an "assault with a deadly weapon" on Mr. Howard's property. Deputy D'Agostino reported that from this small area, approximately 2 miles by a half a mile, the Sheriff's Office receives around 750 calls a year. He said another totally nude club several hundred yards away from Fantasy Island had less than half that number of calls while doing the same kind of business.

In investigating Mr. Howard, Deputy D'Agostino said his five arrests started in 1980 and extend to 2004. He reported on his discussion on these arrests with Mr. Howard during his first visit and repeated the explanations given him. In 2004 a charge of "aggravated assault with a deadly weapon" was brought against Mr. Howard and he will remain on probation for this assault for two more years.

In looking at the facility, Mr. D'Agostino and a member of the County's code enforcement section, Paul McNeil, inspected the facility on two separate occasions. On the first trip they found several locked doors and noticed several one-way-glass panes in each of the viewing rooms. County Code states that in a totally nude facility the girl has to be on an 18-inch platform, there has to be a barrier, and the person(s) watching her act must remain more than 3 feet away from her. He said several rooms had the platforms and barriers and several did not have them. He reported that using their flashlights they could see cameras behind some of the one-way-glass panes. He said he believed he knew what these "secondary cameras" were used for but did not testify specifically on that at this time. He did say he felt, "there was no reason for them to be there." On the second trip through the facility D'Agostino and McNeil found, near the office on the second floor, "a large section in the back corner of the room which had recently been cleared out. You could tell that things had recently been moved out of there." He testified that they found a heavy assortment of various electrical lines throughout the building and Mr. Howard told him he planned to expand the patron areas of the facility to "make this into a very large club." He questioned the safety hazard of the electrical lines and said he had contacted the State Fire Marshall to go to the site to investigate the safety of the structure itself and of the wiring to see if it would be certified as to code.

Deputy D'Agostino said the Sheriff's Office would not support approval of this application and would recommend that it be denied for the following reasons:

- Mr. Howard's criminal history, the fact that he has been arrested and is still on probation

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- The seriousness of the 2004 charge for aggravated assault with a deadly weapon (which was dropped from a felony to a misdemeanor because Mr. Howard “took a plea”)
- The fact that Howard has taken no preparatory steps to obtain training for himself or his staff on running an alcohol-related business (Mr. Howard said he plans to do this but has made no movement to do so)
- That there is currently no storage for any of the alcohol
- The over-all condition of the building and electrical wiring in the building

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to recommend denial of the application on Fantasy Island “given the nature of the testimony and the record prepared and distributed by the Sheriff’s Office.” NOTE: Recommendations for denial were also received from the County Treasurer and the Maricopa County Planning and Development Department.

ROAD DECLARED (ROAD FILE NO. 315)

No protests having been received and no speakers coming forth at the Chairman’s call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) that the following resolution be adopted: (C64052220)

WHEREAS, pursuant to A.R.S. §28-6701, on the 9th day of March, 2005, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

155th Avenue from Frontier Road to Jomax Road. A 80 foot roadway, together with all appurtenances and easements of record, lying within the Southeast quarter of the Northeast quarter (SE¼NE¼) and Lot One (1) of Section Six (6) and within the Southwest quarter of the Northwest quarter (SW¼NW¼) and Lot Four (4) of Section Five (5) all in Township Five (5) North, Range One (1) West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona; said roadway is more particularly described as follows:

The East 40 feet of said SE¼NE¼ and Lot 1 of said Section 6; and the West 40 feet of said SW¼NW¼ and Lot 4 of said Section 5. Said roadway also known as 155th Avenue (also known as Reems Road), from Frontier Drive to Jomax Road.

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in the Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

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BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 6th day of April 2005.

ROAD DECLARED (ROAD FILE NO. 332)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) that the following resolution be adopted: (C6405223500)

WHEREAS, pursuant to A.R.S. §28-6701, on the 9th day of March, 2005, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

Said streets lying within Sweetwater Estates Unit 2, Book 94 of Maps, Page 17, MCR, into the county highway system, streets listed as follows: Pima Street - 177th Avenue to 175th Drive, 176th Avenue - Durango Street to Pima Street, 178th Avenue - Durango to EOM (approx. .25 mile), Papago Street - 177th Avenue to 175th Drive. Citrus Bypass Road - Durango Street to EOM (approx. .50 mile).

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in the Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

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BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 6th day of April 2005.

ROAD DECLARED (ROAD FILE NO. A064)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) that the following resolution be adopted: (C6405226000)

WHEREAS, pursuant to A.R.S. §28-6701, on the 9th day of March, 2005, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

All of the Streets in their entirety in Estrella Dells Unit Two, a subdivision of a portion of Section 20, Township One (1) South, Range Two (2) West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona and Recorded in Book 94 of Maps, Page 17 MCR.

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in the Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system

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BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 6th day of April 2005.

ROAD DECLARED – REVISION OF RESOLUTION – ROAD FILE NUMBER A273-R

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution for a legal description amendment of Road File A273-R, which is in the vicinity of Rainbow Trail – Airport Road to Hermit Road be adopted. This road was declared into the county highway system on July 30, 2003: (C6405224000)

WHEREAS, on the 2nd day of July, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to Establish, open and declare a County Highway; and

WHEREAS, on the 30th day of July, 2003, the Board adopted a Resolution designating Road File Number A273, declaring said road into the County Highway system; and

WHEREAS, that said petition and Resolution is being revised to amend the legal description approved on the 30th day of July, 2003;

NOW, THEREFORE, BE IT RESOLVED, that the legal description be amended to read as follows:

Rainbow Trail, from Airport Road to Hermit Road as follows: A roadway of variables width together with all appurtenant rights, lying within Sections Nineteen (19) and Twenty (20), in Township One (1) South, Range Two (2) West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway is described as follows:

The South 30 feet of the North half of the South half (N2S2) of said Section Nineteen (19) and, the North 30 feet of the South half of the South half of said (S2S2) Section Nineteen (19), and Rainbow Trail as Shown in Rainbow Valley Estates, recorded in Book 84 of Maps, Page 20 MCR and Estrella Dell Unit 2, recorded in Book 94 of Maps, Page 17 MCR.

DATED this 6th day of April 2005.

ROAD ABANDONMENT (ROAD FILE NO. AB-107) – CONTINUED

Item: Approve the abandonment of Road File No. AB-107, a portion of Cloud Road. Objection to the abandonment has been noted. (C6405219500)

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Doug Adcox, resident, came forward to speak in opposition of this road abandonment. First, he stated that his property is located near the proposed road abandonment on Cloud Road. He claimed that Cloud Road is the legal County access to the north side of his property and it is insured as legal access through his title insurance. He also has access to the south side of his property but it is not title insured. Mr. Adcox stated that he has email the County detailed pictures of neighboring private roads in the area indicating that the County provides street signs for private access roads but does not guarantee access over the non-private labeled roads. He noted that these pictures illustrate a blockage in the road labeled as a private road. He stated that the labeling of the road is to satisfy neighboring homeowners who do not like traffic on their private roadways and that the County provided these signs.

His second concern involves the access onto the south side of his property which is not guaranteed legal access. He came prepared with maps, exhibits, plans for the use of his property, and a request for denial from Queen Creek Water Company in support of his opposition to the road abandonment for the Board and public to view. Mr. Adcox added that the Queen Creek Water Company has a water line running through Cloud road and the abandonment of this area would affect their access to their water line and services provided.

Supervisor Stapley stated that in the event the abandonment is approved Mr. Adcox would still have access to his property. Mr. Adcox disagreed with this statement and noted that his legal title insured access is through Cloud road which is the road in question for abandonment. He noted that he does have other access but it could potentially be blocked by neighbors. Supervisor Stapley noted that this is the key issue and he will have the Maricopa County Department of Transportation assist in identifying the true legal access.

Richard Wallace, Maricopa County Department of Transportation, presented slides to the Board. Mr. Wallace first displayed a map outlining the parcels in question including adjacent roads and housing developments. He noted that Cloud road is not a County maintained road in the system and that the Seville Housing Development in the area did not require dedication or improvements of Cloud Road or 180th Street. Slide two illustrated Cloud Road and 180th Street and highlighted the right-of-way created in 1964 by subdivision Chandler/Mesa Ranches. The remaining roadways in this area are private roadways in unregulated lot splits. He also highlighted previous abandonments in the area including a portion of Cloud Road and 180th Street done by the Town on Gilbert and a portion of 180th Street and Cloud Road adjacent to Mr. Adcox property done by Maricopa County. The property owners requested this abandonment stating that they have legal access along a private road on 181st Street.

Mr. Wallace then stated that to the knowledge of his department and as was proved during the previous abandonment the private roadway on 181st Street is the legal access. Therefore, the Department of Transportation has no objection to the abandonment of the portion of Cloud Road in question. He added that there have been several private roads that have developed in the area and the only portion remaining public right-of-way is the portion of Cloud Road to 182nd Street. The last map presented showed an aerial view of the rapid development in the area and a view of access into Mr. Adcox's property via paved cul-de-sac. He stressed that the Department of Transportations does not intend to use this right-of-way as a public road. He also noted that the Queen Creek Water Company's rights are protected by statute and they will retain the water easement in the area regardless of the abandonment.

Supervisor Stapley asked whether Mr. Adcox would have legal access if the Board was to approve the abandonment in question. Mr. Wallace stated that the previous abandonment approved provides property owners with legal access along private roadways.

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Chairman Wilson asked if the Board could be insured Mr. Adcox would have access to his property. Mr. Wallace answered that the language outlined in the private easement, which he did not have available at the time, provides the properties of interest with protection of rights to all their heirs and assignees as a requirement before the County can recognize it as legal access.

After reviewing the maps Supervisor Brock confirmed that the previous abandonment is part of, or adjacent to Mr. Adcox's property. Supervisor Brock then asked if Mr. Adcox would have any problem with ingress or egress to his property. Mr. Wallace noted that there is paved access via a private road. Supervisor Brock made a motion to continue this item for two weeks as a courtesy to Mr. Adcox.

Mr. Dillon was given the opportunity to address the Board with his concerns before the motion was seconded. He stated that after purchasing his property on Cloud Road he learned of the portion abandoned by Mr. Adcox. He claimed Mr. Adcox intentions are to have a private drive to the south entrance of his property and noted that he and others are opposed. He claimed the abandonment was "strictly self-serving" and that Mr. Adcox is against others abandoning portions of Cloud Road. Mr. Dillon proposed building a wall along the abandoned portion of Cloud Road along the Seville Housing Development and had a letter of support.

Supervisor Kunasek suggested Mr. Dillon amend the title policy to insure access along the portion of Cloud Road adjacent to Mr. Adcox's property in order to avoid access issues. Supervisor Brock then asked Mr. Dillon if there was valid reason not to continue this item. Mr. Dillon noted that financially he would be affected but he is willing to continue to resolve this matter. Joy Rich, Chief Regional Development Services Officer, agreed to assist the applicant in establishing property lines and starting the application process in order to approve alternate and possibly insured access.

Motion was made by Supervisor Brock, seconded by Supervisor Stapley (who noted he is in favor of approval of the abandonment) and unanimously carried to continue this matter to the April 20, 2005 meeting.

GRANT BUDGET INCREASE TO EXPEND UNSPENT ANTI-GANG ENFORCEMENT FUNDS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an increase to the County Attorney's grant fund budget in the amount of \$37,900. This budget increase will allow the County Attorney to expend unspent anti-gang enforcement funds received in FY 1994-95. The funds will be used to upgrade the gang enforcement database. These funds may not be expended for any indirect costs which may be incurred by the Maricopa County Attorney's Office or Maricopa County. By approving this agenda item, the Board of Supervisors will be authorizing an increase of grant funding that was not included in the adoption of the FY 2004-05 budget. Approval of this action will cause a budget amendment to be authorized for the County Attorney Grant Fund (219). This amendment will result in a net increase to the County Attorney's revenue and expenditure levels for FY 2004-05 by \$37,900. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1902035801) (ADM400-003)

APPOINTMENT OF SUPERIOR COURT JUDGE PRO TEMPORE

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the appointment of Court Commissioner Pamela Svoboda as a Superior Court Judge Pro

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Tempore for the period from April 6, 2005 through December 31, 2005, to serve in the various programs in the Superior Court to reduce trial delay. (C3805029700) (ADM1001)

GRANT APPLICATION TO FORT MCDOWELL YAVAPAI NATION FOR PROPOSITION 202 INDIAN GAMING FUNDS AND RESOLUTION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the Maricopa County Manager's Office to apply to the Fort McDowell Yavapai Nation for Proposition 202 Indian Gaming Funds in the amount of \$200,000. Authorize the Chairman to sign the grant application; approve the grant funds if awarded; and authorize the pass-through of these funds to the Arizona State University College of Law, Indian Legal Program. This action will require an appropriation adjustment, increasing the General Government Grant Fund (249) FY 2004-05 revenue and expenditure budgets by \$200,000. Maricopa County will act as the pass-through agency for the ASU College of Law and will pass through the entire amount of the grant, \$200,000. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of these revenues is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to ARS §42-17105. The grant award period is from the date of award to June 30, 2006.

As one of its grant rules for Indian Gaming Funds, the Fort McDowell Yavapai Nation has specified that only counties, cities, and towns may submit grant applications. ~~Because of this, Board of Supervisors' resolution approval is needed to apply for the funds on behalf of ASU.~~ (The Clerk announced this line was deleted, as there will be no resolution needed for approval.) (C2005009800)

Supervisor Wilcox thanked Brain Hushek, Deputy Budget Director, for his extra effort in applying for this grant.

REWARDING IDEAS PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to authorize employee awards from the Rewarding Ideas Program in the amount of \$2,560 and present awards on April 20, 2005. (C2005010900) (ADM3333-002)

AGREEMENT WITH SCOTTSDALE HEALTH CARE FOR EDUCATIONAL OPPORTUNITIES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Affiliation Agreement between Correctional Health Services and Scottsdale Health Care. Approval provides Family Practice Residency students the educational opportunity to work in a supervised, clinical environment within the Maricopa County jail and detention facilities. Agreement period would be for three years with two one-year renewal options. There is no financial impact. (C2605010000)

CONTRACT WITH DORAL DENTAL SERVICES OF ARIZONA, LLC FOR ADMINISTRATION AND CLAIMS PROCESSING SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to retroactively approve a new contract with Doral Dental Services of Arizona, LLC, effective April 1, 2005 through March 31, 2007, for a not-to-exceed amount of \$3,830,000. This contract provides for dental network administration and claims processing services. This contract may be extended, not to exceed a

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total term of five years, and may be assigned by MMCS with 90 days prior written notice, and may be terminated by either party with 60 days written notice. (C6005050100)

FUND POOL FOR HEALTH PLAN DIALYSIS SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the formation of a pool of funds for all health plan dialysis services. This pool will include all dialysis contractors. The pool, for a one-year period, is retroactive from January 1, 2005 through December 31, 2005, with a not-to-exceed amount of \$1,800,000. The Board of Supervisors, as a separate agenda item, will approve each contract funded by the pool. Each contract may be extended, not to exceed a total term of five years, and may be terminated by either party with 90 days written notice. (C6005700100)

CONTRACT WITH BIOMEDICAL APPLICATIONS OF ARIZONA FOR DIALYSIS SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a contract, retroactive to January 1, 2005 through December 31, 2005, with Biomedical Applications of Arizona for dialysis services. Financial impact is accounted for in the dialysis pool of \$1,800,000, approved by the Board of Supervisors as C60057001. It is estimated that Biomedical Applications of Arizona will provide \$810,000 of dialysis service. This contract may be extended, not to exceed a total term of five years, and may be terminated by either party with 90 days written notice. Maricopa County may, upon 90 days prior written notice, and without the consent of the other party hereto, assign this agreement. (C6005701100)

CONTRACT WITH RENAL CARE GROUP FOR DIALYSIS SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a contract, retroactive to January 1, 2005 through December 31, 2005, with Renal Care Group for dialysis services. Financial impact is accounted for in the dialysis pool of \$1,800,000, approved by the Board of Supervisors as C60057001. It is estimated that Renal Care Group will provide \$810,000 of dialysis service. This contract may be extended, not to exceed a total term of five years, and may be terminated by either party with 90 days written notice. Maricopa County may, upon 90 days prior written notice, and without the consent of the other party hereto, assign this agreement. (C6005702100)

CONTRACT WITH RENAL DIMENSIONS, LLC FOR DIALYSIS SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a contract, retroactive to January 1, 2005 through December 31, 2005, with Renal Dimensions, LLC for dialysis services. Financial impact is accounted for in the dialysis pool of \$1,800,000, approved by the Board of Supervisors as C60057001. It is estimated that Renal Dimensions will provide \$180,000 of dialysis service. This contract may be extended, not to exceed a total term of five years, and may be terminated by either party with 90 days written notice. Maricopa County may, upon 90 days prior written notice, and without the consent of the other party hereto, assign this agreement. (C6005703000)

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PERSONNEL AGENDAS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. Exhibits A and B will be found at the end of this set of minutes.

AGREEMENT WITH CARE 1ST HEALTH PLAN OF ARIZONA PHYSICIAN SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a cost reimbursement Physician Services Agreement with Care 1st Health Plan of Arizona for the Maricopa County's Health Care for the Homeless (HCH) clinic. The term of the agreement shall begin upon Board of Supervisors' approval until October 31, 2010. The dollar amount is based upon services rendered and no cap exists. Expenditure impact for FY 2004-05 through FY 2009-10 is an estimate only and may change based on the number of clients actually served. (C8605565100)

AGENCY AGREEMENT WITH ARIZONA BOARD OF REGENTS FOR STUDENT LEARNING EXPERIENCES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Agency Agreement with the Arizona Board of Regents for, and on behalf of, Arizona State University's College of Public Programs and College of Human Services, to allow their students who are enrolled in the School of Social Work Program to participate in learning experiences at the Department of Public Health. The Department of Public Health will provide a field instructor to facilitate the learning process for the students. The term of this affiliation agreement begins February 1, 2005, and shall remain in effect indefinitely subject to periodic review and revision with a 30-day termination option without cause for both parties. (C8605902000)

IGA AMENDMENT WITH VALLEY METRO TO AUTHORIZE AN ADMINISTRATIVE CHANGE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to retroactively approve Amendment #3 to the Intergovernmental Agreement (IGA) with Valley Metro (formerly known as the Regional Public Transit Authority - RPTA) to authorize an administrative change to the IGA that increases the amount of matching funds required. There is no additional funding included in the amendment. The term of the contract remains unchanged (July 1, 2004 through June 30, 2005), and this amendment is effective on July 1, 2004. This contract does not contain any county general funds. (C2202137003)

AMENDMENT TO LEASE WITH GLENDALE ELEMENTARY SCHOOL DISTRICT FOR HEAD START CLASSROOM

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and execute Amendment #2 to Lease No. L-7230 with Glendale Elementary School District Number 40, Lessor, for a Head Start classroom located at 7900 W. Glendale (Discovery School), Glendale, AZ. The lease term is for five years commencing June 1, 2005, and terminating on May 31, 2010. The consideration for this lease is the service provided by the Head Start Program. This agreement contains a 90-day termination clause and does not include any county general funds (C22960214). (C2205145400)

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AMENDMENT TO IGA LEASE WITH CITY OF SCOTTSDALE FOR HEAD START FACILITY

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and execute amendment #5 to Lease No. L-7244 (Intergovernmental Agreement) with the City of Scottsdale that provides for a 400 square foot Head Start classroom and playground facility at 6535 E. Osborn Road, Scottsdale, AZ. This amendment will extend the term from July 1, 2005 to June 31, 2006, with an option to renew for one more year. The rental rate will remain the same at \$250 per month or \$3,000 annually, representing the county's share of operating expenses. This full service lease contains a 60-day termination clause without penalties. (C2297089205)

EXPENDITURE ADJUSTMENT FOR SAN TAN MASTER PLAN

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an expenditure appropriation adjustment increasing the Parks and Recreation Department, Grant & Special Revenue (Fund 230) budget by \$22,500. The source of the funding for the expenditures is fund balance from the funds received to revise the San Tan Master Plan. Also approve a reduction in the expenditure budget of General Government Grants (Fund 249) in the amount of \$22,500. These actions will result in a countywide net impact of zero. (C3005031800) (ADM 3200-003)

KENNEL PERMITS

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following kennel permits for the term of April 6, 2005 through April 5, 2006: The cost of a kennel permit is \$90.00

- a. Tiffany Koester, d.b.a. Koester Kennels, 2041 W. Georgia Avenue, Phoenix, AZ 85015. (C7905081C00) (ADM2304)
- b. Cathy and/or Kristin Dicus, d.b.a. Dicus Kennels, 35334 W. Madison, Tonopah, AZ 85354. (C7905083C00) (ADM2304)

DONATION

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the acceptance of a donation of three sets of laundry washers and dryers and necessary installation of the equipment from the PETS 911 Auxiliary, 7301 E. Helm, Building D, Scottsdale, AZ 85260 to Animal Care & Control valued at \$7,232.09. (C7905080700) (ADM2300)

WAIVER TO THE MARICOPA COUNTY COMPENSATION PLAN - DEPUTY DIRECTOR

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a waiver to the Maricopa County Compensation Plan, Section VI.A. to allow a retroactive salary advancement for Julie Bank, Deputy Director, from \$29.69 per hour to \$33.66 per hour for an amount not-to-exceed \$2,223.20 with an effective date of November 8, 2004. The Licensing/Shelter Fund (572) will fund the retroactive pay with an offset in other object codes for a countywide net impact of zero. (C7905082M00) (ADM3308-001)

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FUND TRANSFERS

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

RENEWAL OPTION BY CITY OF PHOENIX FOR CENTRAL ARIZONA SHELTER SERVICES

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the renewal option requested by the City of Phoenix, as tenant in a county-owned building, under Lease No. MC-10121. The option is the first of two included in the First Amendment to the lease. The leased facility at 1209-1217 W. Madison, Phoenix, is subleased by the city to Central Arizona Shelter Services for use as a shelter for homeless persons. The annual rental revenue received by Maricopa County is \$1. This option will extend the lease commencing July 1, 2005 through June 30, 2006. All other terms of the original agreement, as subsequently amended, remain the same. (C1804008002)

ADOPTION OF CAPITAL ASSET POLICY

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to adopt a new policy, A2507 Capital Asset Policy, as a countywide policy. The Capital Asset Policy will ensure consistency throughout Maricopa County regarding the management and reporting of capital asset information. (C1805022600) (ADM632)

REALLOCATION AND ADJUSTMENT OF LEASE REVENUE REFUNDING BONDS SERIES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the reallocation and adjustment of Lease Revenue Refunding Bonds Series, 2003 debt service-related revenues and expenditures based on the recommendation of auditors. This action will require the following budget adjustments in FY 2004-05:

- Per A.R.S. §42-17106, transfer expenditure authority from General Government (Department 470) General Fund (Fund 100) General Contingency (Org 4711) as follows:
 - \$17,206 to the Medical Examiner's (Department 290) General Fund (Fund 100);
 - \$49,204 to the Sheriff's Office's (Department 500) General Fund (Fund 100); and
 - \$200,408 to the General Government (Department 470) General Fund (Fund 100) \$16,800,000 COP line (Org 4716);
- Per A.R.S. §42-17106, increase the General Government (Department 470) County Improvement Debt Fund (Fund 320) expenditure authority by \$1,283,597. This increase is primarily due to the increase in the Special Health Care District's portion of the debt service, which is an intergovernmental payment, not a fund transfer, from the Special Health Care District to the county as of January 1, 2005. Amounts received from the issuance or incurrence of lawful long-term obligations issued or incurred for a specific purpose or collected or segregated to make payments or deposits required by a contract concerning such bonds or obligations are not "local revenues" pursuant to Arizona

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Constitution, Article 9, § 20(3)(d)(i) and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S §42-17105; and

- Adjustments to Eliminations (Department 980, Fund 900) revenue and expenditures appropriations in the amount of \$606,602. This change is primarily due to the fact that the debt service payment from the Special Health Care District is an intergovernmental payment, not a fund transfer, as of January 1, 2005. Amounts received from the issuance or incurrence of lawful long-term obligations issued or incurred for a specific purpose or collected or segregated to make payments or deposits required by a contract concerning such bonds or obligations are not "local revenues" pursuant to Arizona Constitution, Article 9, § 20(3)(d)(i) and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S §42-17105.

These adjustments will have a countywide net expenditure impact of \$1,890,199. (C1805026800) (ADM1812)

SOLICITATION SERIALS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Award of Solicitation Serials

- 04182-C Police Protection Equipment – Body Armor** (\$350,000 estimate/three years with three one-year renewal options). Price agreement to purchase concealable body armor for newly hired employees and replacement of expiring vests as requested by the Sheriff's Office, Adult Probation, Juvenile Probation and the Constables.
- Diamondback Police Supply Co.
 - ~~West Valley Uniforms~~
- The Clerk announced the department had deleted this vendor.
- 04193-S Painting Services** (\$2,500,000 estimate/five years). Price agreement for painting services for Maricopa County facilities.
- A-O Painting, Inc.
 - Diamond Ridge Development Corp.
 - Skyline Builders & Restoration
- 04226-RFP Claims Research and Administrative Recovery Services** (\$20,000,000 estimate/one year with four one-year renewal options). Contract to provide claims research and administrative recovery services for the Maricopa Managed Care System's Health Plans. This a fixed percentage contract based upon the amount identified and recovered, not-to-exceed \$20,000,000.
- NuView Health Partners

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- 05021-S On-Call Veterinary and Veterinary Technician Services – MCACC** (\$800,000 estimate/four years with two one-year renewal options). Price agreement to provide on-call veterinary and veterinary technician services as requested by Maricopa County Animal Care & Control Agency.
- DVM Assistant
 - Shannon Carey, DVM/PC
 - Frank Isom, DVM PC
 - Don E. Sniff, DVM
 - Thomas Owen Mullin
 - Nancy Ritchie
 - Tammy Ann Wilson

Contract Extension/renewals (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed):

Until October 31, 2005

- 99174-RFP Elections Ballot Printing** (\$600,000 estimate/six months). Six-month extension for elections ballot printing for the County Elections Department.
- Runbeck Graphics, Inc.

Until June 30, 2007

- 02031-S Chiller (Centrifugal) Repair, Maintenance, And Overhaul** (\$1,000,000 estimate/two years). Renewal of price agreement for the repair, maintenance and overhaul of centrifugal chillers as required for Maricopa County.
- The Trane Company

Correction

- 99207-RFP Storage of Records** – Correct the Iron Mountain contract expiration date from May 31, 2008 to July 31, 2008. This expiration date was listed incorrectly on the March 9, 2005 agenda.

Increase in the price agreement amount for the following contract. This request is due to an increased usage by county departments.

- 01059-SC Temporary Mid-Level Medical Personnel - MCDPH** (\$65,000 Increase) Increase price agreement value from \$430,000 to \$495,000. This \$65,000 increase is being requested by Public Health as a result of staff retention and recruiting issues. This agreement was initially awarded by the Board on July 25, 2001, and subsequently renewed by the Materials Management Director on April 17, 2003. The expiration date is July 31, 2005.

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FINAL SETTLEMENT OF KRONE

Motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek, to approve the final settlement of Ray Krone, et al. v. County of Maricopa, et al. CIV 03-0734 as heard in Executive Session on March 21, 2005.

Board members commented on the results of more sophisticated testing now available to law enforcement agencies, especially DNA testing which ultimately made the difference in the Krone case.

Supervisor Brock noted that he did not necessarily fully concur with the settlement but would support the motion. Motion carried unanimously (5-0). (C7505013100) (ADM409)

FINAL SETTLEMENT OF HONTZ AND WAGNER

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the final settlement of Hontz, et al. v. County of Maricopa, et al. and Wagner, et al. v. City of Scottsdale, et al. CV2003-002826 as heard in Executive Session on March 21, 2005. (C7505014100) (ADM409)

RIGHT-OF-WAY COMMUNICATIONS USE LEASE WITH BLM FOR COMMUNICATION FACILITY

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a right-of-way Communications Use Lease with the U.S. Bureau of Land Management (BLM) authorizing Maricopa County to maintain and operate a communication facility at White Tank Mountains - East Peak. The right-of-way is the location of a public safety radio transmit/receive site maintained and operated by Maricopa County Wireless Systems. The current right-of-way grant expires July 11, 2005. To conform with new regulations, BLM must change the grant to a lease. The term of this new lease is 30 years with an expiration date of July 11, 2035. There are no costs or revenues to the county associated with this lease. (C7605005200)

PALO VERDE EMERGENCY OPERATIONS PLAN

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the Maricopa County/State of Arizona Palo Verde Emergency Operations Plan. The plan will be valid until superceded by an updated version. The plan will be effective January 1, 2005. There is no cost to the county and no revenue will be generated. (C1505009000) (ADM903)

EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (ADM2007)

A121.006 (JPM)	Project No: TT043 - McNeil Street (35th Avenue to 31st Avenue) - Easement and Agreement for Highway Purposes - Parcel No.: 300-15-059J - Amiel Willis, Jr. and Gloria Jean Willis - for the sum of \$10,652.00.
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A121.006 (JPM)	Project No: TT043 - McNeil Street (35th Avenue to 31st Avenue) - Purchase Agreement and Escrow Instructions - Parcel No.: 300-15-059J - Amiel Willis, Jr. and
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Gloria Jean Willis.

- A187.003
(EGA/HH) Project No: TT046 - 132nd Street (Chandler Heights Road to Brooks Farms Road) - Agreement for Right of Entry - Parcel No.: 303-44-006U - J.W. Ward and Sherry Lee Ward - for the sum of \$500.00.
- A187.005
(EGA/HH) Project No: TT046 - 132nd Street (Chandler Heights Road to Brooks Farms Road) - Agreement for Right of Entry - Parcel No.: 303-44-032H - Eric C. Saletri and Tabitha C. Saletri - for the sum of \$500.00.
- A187.010
(EGA/HH) Project No: TT046 - 132nd Street (Chandler Heights Road to Brooks Farms Road) - Agreement for Right of Entry - Parcel No.: 303-44-006X - Alfred Norman Randall and Verna Lee Randall - for the sum of \$500.00.
- A236.006
(TS) Project No: TT046 - 103rd Street (McLellan to Jensen) - Easement and Agreement for Highway Purposes - Parcel No.: 220-02-024 - Thomas J. Currie and Gracagail Currie - for the sum of \$25,096.00.
- A236.006
(TS) Project No: TT046 - 103rd Street (McLellan to Jensen) - Purchase Agreement and Escrow Instructions - Parcel No.: 220-02-024 - Thomas J. Currie and Gracagail Currie.
- A236.009 &
A236.010
(JPM) Project No: TT046 - 103rd Street (McClellan Street to McKellips Road) - Easement and Agreement for Highway Purposes - Parcel No.: 220-02-009A & 009B - Daniel Kosisky and Nancy Kosisky - for the sum of \$21,198.00.
- A236.009 &
A236.010
(JPM) Project No: TT046 - 103rd Street (McClellan Street to McKellips Road) - Purchase Agreement and Escrow Instructions - Parcel No.: 220-02-009A & 009B - Daniel Kosisky and Nancy Kosisky.
- A287.003
(CS) Project No: TT047 - Honda Bow (11th Avenue - 7th Avenue) - Agreement for Right of Entry - Parcel No.: 211-22-005A - Denise Stewart - for the sum of \$500.00.
- A289.005
(LS) Project No: TT047 - Peak View Road (64th Street to 66th Street) - Agreement for Right of Entry - Parcel No.: 216-68-103G - Eugene F. Hankinson and Lana J. Hankinson - for the sum of \$500.00.
- DD-9489
(TS) Project No: TL008 - Dedication - Easement and Agreement for Highway Purposes - Parcel No.: 210-08-014 - Hal Borhauer II and Lynda Borhauer - for the sum of \$10.00.
- DD-9489
(TS) Project No: TL008 - Dedication - Purchase Agreement and Escrow Instructions - Parcel No.: 210-08-014 - Hal Borhauer II and Lynda Borhauer.
- DD-9496
(TS) Project No: Roadway License Crossing Consolidated Canal at 116th Street - Right of Way License - Parcel No.: Santan Vista Unit 3 - Salt River Project Agricultural Improvement and Power District - for the sum of \$1.00.

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AMEND ACTION ON POLICY FOR MINIMUM ROAD AND BRIDGE SYSTEM CONDITION LEVELS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to amend action taken place on June 10, 2002 (C6402262500) to establish county policy for minimum road and bridge system condition levels per the requirement of the Governmental Accounting Standards Board Statement No. 34 using the modified approach of accounting. Amend as follows:

- **Road system.** 85% of lane-miles with Pavement Condition Rating (PCR)>70 and no more than 5% of lane-miles with PCR<55.
- **Bridge system.** 90% of bridges with >=70 sufficiency and no more than 3% of bridges with 5% of lane-miles with PCR<55. (C6402262501) (ADM2019)

[Clerk's Note: This is not an official part of the minutes. This item was amended on June 21, 2006].

AMENDMENT WITH NESBITT CONTRACTING CO., INC. TO EXTEND PERFORMANCE PERIOD

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 2 to Job Order Contract No. CY 2003-49 with Nesbitt Contracting Co. Inc., which will extend the performance period of the contract by one year through March 5, 2006, without increasing the contract amount. The contract has a remaining balance of \$250,000. (C6403176504)

AMENDMENT WITH ACE ASPHALT OF ARIZONA, INC. TO EXTEND PERFORMANCE PERIOD

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 2 to Job Order Contract No. CY 2003-48 with ACE Asphalt of Arizona, Inc., which will extend the performance period of the contract by one year through March 5, 2006. It is also requested that the contract amount be increased in an amount not-to-exceed \$500,000 for a new revised contract amount of \$850,000. (C6403177504)

TRAFFIC CONTROL CHANGES ON UNINCORPORATED RIGHT-OF-WAYS

Motion was made by Supervisor Wilcox, seconded by supervisor Stapley, and unanimously carried (5-0) to approve the following traffic control changes:

- a. **No Parking Anytime Zone** – 151st Avenue from Deer Valley Road south for 600 feet (east side only). (C6405185500) (F23166)
- b. **One-Way Stop** – Beardsley Road at Star Ridge Drive for westbound traffic. (C6405186500) (F23166)
- c. **Four-Way Stop** – Northern Avenue and 99th Avenue (from a two-way north/south stop). This rescinds the change back from a two-way stop in 1994. (C6405197500) (F23166)
- d. **Four-Way Stop** – Northern Avenue and Sarival Avenue (from a two-way north/south stop). (C6405199000) (F23166)

ADDITION OF WIGWAM/INDIAN SCHOOL PROJECT TO CIP AND CIP AMENDMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the addition of Project T203, Wigwam Boulevard at Indian School Road to the Department of Transportation's FY 2004-05 TIP (CIP) budget, and establish the project budget at \$120,000.

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The motion also approved an amendment to the current FY 2005-09 five-year CIP for Fund (234) – Transportation Capital Projects Fund adopted by the Board on July 12, 2004, by decreasing the FY 2004-05 (Year 1) capital budget for Project T004, Warranted Traffic Improvements (MCDOT No. 68890) capital budget by \$120,000 and increasing the FY 2004-05 (Year 1) capital budget for Project 203, Wigwam Boulevard at Indian School Road capital budget by \$120,000 for a net impact of zero. (C6405237800) (ADM2000-003)

CALL FOR BIDS FOR TRAFFIC SIGNALS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the solicitation for bids for the construction of the following traffic signals:

- a. **Bethany Home Road and Dysart Road** Project T161, (MCDOT No. 12618) and approve the award of a contract to the lowest responsive bidder, providing that the lowest responsive bid does not exceed the engineer's estimate by more than 10%. (C6405232500)
- b. **Missouri Avenue and Dysart Road** Project T162, (MCDOT No. 12619) and approve the award of a contract to the lowest responsive bidder, providing that the lowest responsive bid does not exceed the engineer's estimate by more than 10%. (C6405233500)
- c. **Monterey and Power Road** Project T164, (MCDOT No. 12621) and approve the award of a contract to the lowest responsive bidder, providing that the lowest responsive bid does not exceed the engineer's estimate by more than 10%. (C6405234500)
- d. **Wigwam Boulevard and Indian School** Project T203 and approve the award of a contract to the lowest responsive bidder, providing that the lowest responsive bid does not exceed the engineer's estimate by more than 10%. (C6405238500)

REIMBURSE QUEEN CREEK IRRIGATION DISTRICT FOR FACILITIES IN CONFLICT WITH MCDOT PROJECT

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve reimbursement to Queen Creek Irrigation District for costs incurred for the design and relocation of their facilities in conflict with MCDOT Project TT068 (68927) – Ellsworth Road from Guadalupe Road to Germann Road. The cost may not exceed the current estimate of \$2,529.36 by more than ten percent. (C6405243000) (ADM2000-006)

IGA WITH CITY OF SURPRISE FOR IMPROVEMENTS AT R.H. JOHNSON BOULEVARD AND BELL ROAD

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the Intergovernmental Agreement (IGA) between Maricopa County and the City of Surprise for improvements to the intersection of R.H. Johnson Boulevard and Bell Road, Project No. T120 (W.O. No. 69041). The county will act as the lead agency for the installation of a dedicated right turn lane, westbound to northbound at the intersection. The current project costs are estimated at \$1,500,000, with the City of Surprise contributing \$550,000. The county will not invoice the city prior to July 1, 2005 (FY 2005-06). (C6405244200)

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CONTRACT WITH COOPER AERIAL SURVEYS COMPANY FOR ON-CALL AERIAL MAPPING SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to award On-Call Contract No. 2005-09 with Cooper Aerial Surveys Company for pending and new projects requiring On-Call Aerial Mapping Services. The contract is effective for 730 calendar days following the Board of Supervisors' approval or until the expenditure of \$100,000, whichever occurs first. (C6405245500)

ANNEXATION BY THE TOWN OF GILBERT - VAL VISTA ROAD

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the annexation by the Town of Gilbert of county right-of-way within the west 40' of Val Vista Road from Queen Creek Road, north approximately ½ mile, in accordance with City Ordinance 1594. (C6405246B00) (ADM4206)

BRIDGE CONSTRUCTION AND ACCESS EASEMENT FOR CROSSING BEARDSLEY CANAL – CONTINUED

Item: Approve the bridge construction and access easement granted by Maricopa County Municipal Water Conservation District Number One, an irrigation and water conservation district, a municipal corporation and a political subdivision of the State of Arizona ("MWD") to Maricopa County. The easement is for the crossing of the Beardsley Canal along the Dysart Road alignment and along the North El Granada Boulevard alignment. (C6405276000) (ADM2007)

The Clerk announced that this item has been continued to the April 20, 2005 meeting.

APPOINTMENTS

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following appointments:

- a. Citizens Transportation Oversight Committee – Appoint Mr. Nelson Ladd whose term is effective from Board of Supervisors' approval through January 18, 2008. (Supervisorial District 3) (ADM2047)
- b. Maricopa County Board of Health – Re-appoint Mr. William Brainard whose term is effective April 9, 2005 through April 8, 2009. (Supervisorial District 4) (ADM2101)

Chairman Wilson commented on his appreciation for the number of man-hours the volunteers of Maricopa County dedicate in service. He acknowledged that these are busy people and applauded the work they accomplish and made note that the County could not function without the dedication of volunteers. Supervisor Kunasek and Chairman Wilson made special note of the services and skills Dr. Brainard has provided and acknowledged that he has been an asset to the Public Health Board.

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HEARING SET – ROAD FILE DECLARATION

Petition has been filed for declaration of the following roads into the county highway system. Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to set a hearing for 9:00 a.m., Wednesday, May 4, 2005, on the following:

- i. Road File No. A321. In the vicinity of 93rd Avenue and Pinnacle Peak Road. (C6405239B00)
- ii. Road File No. A318. In the vicinity of Vineyard Avenue and 143rd Avenue and Indian Springs Road and 115th Avenue. (C6405242B00)

HEARING SET – AIR POLLUTION CONTROL REGULATIONS RULE 280 FEES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to set a public hearing, as required by A.R.S. §49-479(b) for Wednesday, May 18, 2005 at 9:00 am, to solicit comments on proposed revised Maricopa County Air Pollution Control Regulation Rule 280 Fees. Following the public hearing, the Board is requested to adopt proposed revisions. (C8505015M00) (ADM2354)

HEARING SET – PLANNING AND ZONING CASES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to schedule public hearings on Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for May 4, 2005, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

Z2004-057; Z2002-140; Z2004-107

ASRS CLAIMS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize payment of claims submitted by the Arizona State Retirement System, on behalf of current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. (ADM3309-001)

Employee	Total Employer Cost
June Edwards	\$14,336.65
Ann Gausden	\$29,207.19
Evelyn Jensen	\$88,224.69
Margaret Nowak	\$25,726.99
Mary Ezell	\$8,161.27
Julia Villalobos	\$25,572.95
Bethany Weiss	\$15,640.52
George Zaplatosch	\$20,287.61

CANVASS OF ELECTIONS

No election canvasses were presented at this time.

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CLASSIFICATION CHANGES

Pursuant to A.R.S. §42-12054, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the Assessor's recommendation to change classification and/or reduce the valuation of certain properties which are now owner-occupied. (ADM 723)

<u>PARCEL NUMBER</u>	<u>YEAR</u>	<u>OWNER</u>	<u>FROM</u>	<u>TO</u>
103-19-428	2002	Norberto Rodrigues	LC/4	LC/3
103-19-428	2003	Norberto Rodrigues	LC/4	LC/3
103-19-428	2004	Norberto Rodrigues	LC/4	LC/3
111-03-032	2002	William Mansanares	LC/4	LC/3
111-03-032	2003	William Mansanares	LC/4	LC/3
111-03-032	2004	William Mansanares	LC/4	LC/3
113-37-038B	2002	Frederick Mueller	LC/4	LC/3
113-37-038B	2003	Frederick Mueller	LC/4	LC/3
113-37-038B	2004	Frederick Mueller	LC/4	LC/3
121-09-045	2002	Antonia Rodriguez	LC/4	LC/3
121-09-045	2003	Antonia Rodriguez	LC/4	LC/3
121-09-045	2004	Antonia Rodriguez	LC/4	LC/3
123-19-275	2002	Pete Garcia	LC/4	LC/3
123-19-275	2003	Pete Garcia	LC/4	LC/3
123-19-275	2004	Pete Garcia	LC/4	LC/3
131-53-057	2002	Kenneth Warner	LC/4	LC/3
131-53-057	2003	Kenneth Warner	LC/4	LC/3
131-53-057	2004	Kenneth Warner	LC/4	LC/3
144-48-132A	2002	Cheryl L Spain	LC/4	LC/3
144-48-132A	2003	Cheryl L Spain	LC/4	LC/3
144-48-132A	2004	Cheryl L Spain	LC/4	LC/3
145-07-153	2002	Arlie Baslee	LC/4	LC/3
145-07-153	2003	Arlie Baslee	LC/4	LC/3
145-07-153	2004	Arlie Baslee	LC/4	LC/3
153-03-066	2002	Ellis Edward	LC/4	LC/3
153-03-066	2003	Ellis Edward	LC/4	LC/3
153-03-066	2004	Ellis Edward	LC/4	LC/3
160-13-052	2002	Richard Buchda	LC/4	LC/3
160-13-052	2003	Richard Buchda	LC/4	LC/3
160-13-052	2004	Richard Buchda	LC/4	LC/3
171-26-030	2002	George Holdridge	LC/4	LC/3
171-26-030	2003	George Holdridge	LC/4	LC/3
171-26-030	2004	George Holdridge	LC/4	LC/3
200-79-095	2002	Sherry Martin	LC/4	LC/3
200-79-095	2003	Sherry Martin	LC/4	LC/3
200-79-095	2004	Sherry Martin	LC/4	LC/3
209-13-257	2004	Catherine Kieborz	LC/4	LC/3
218-35-703	2003	CM Boekhout	LC/4	LC/3
218-35-703	2004	CM Boekhout	LC/4	LC/3
220-80-265	2002	Lucille Wood	LC/4	LC/3
220-80-265	2003	Lucille Wood	LC/4	LC/3
220-80-265	2004	Lucille Wood	LC/4	LC/3

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216-33-452C	2002	Jeannette Meier	LC/4	LC/3
216-33-452C	2003	Jeannette Meier	LC/4	LC/3
216-33-452C	2004	Jeannette Meier	LC/4	LC/3
218-35-130	2002	Konrad Schaum	LC/4	LC/3
218-35-130	2003	Konrad Schaum	LC/4	LC/3
218-35-130	2004	Konrad Schaum	LC/4	LC/3
302-26-194	2004	Frances Duty	LC/MIXED	LC/MIXED
303-73-343	2003	Robert Toloso	LC/4	LC/3
303-73-343	2004	Robert Toloso	LC/4	LC/3
310-02-222	2002	Dianna Ball	LC/4	LC/3
310-02-222	2003	Dianna Ball	LC/4	LC/3
310-02-222	2004	Dianna Ball	LC/4	LC/3

DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

COUNTY

NAME	WARRANT	FUND	AMOUNT
Cheryl Oliver	250051637	General	\$335.04
Terry Strawn	250053528	General	\$844.43
Charles Percy Brown	640031381	Jury Service	\$58.50
Don Brian Morales	640047750	Jury Service	\$27.18
Gary John Orbit	640051188	Jury Service	\$77.40
H&E Equipment Services	350534411	Expense	\$740.22
H&E Equipment Services	350534749	Expense	\$583.06
Titan Asset Recovery	1064264	Expense	\$1,233.38

SCHOOL

NAME	SCHOOL	WARRANT	AMOUNT
John T Enkoji	Alhambra SD	150087459	\$498.69
Marcia Snyder	Alhambra SD	150053865	\$73.88
Dawn Moss	Higley Unified SD #60	450077738	\$10.45
K-Mart	Isaac SD #5	450061991	\$472.08
Ares Sportswear	Queen Creek Unified SD	95534298	\$774.83
Luz Erkel	Fowler SD	150090033	\$126.45

OFF-TRACK PARI-MUTUEL WAGERING PERMIT

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve application filed by Turf Paradise for Off-Track Pari-mutuel Wagering Permit for Tin Top Bar & Grill, located at 2614 S. Wintersburg Road, Tonopah, AZ covering races from April 19, 2005 through May 31, 2006. (ADM151)

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PRECINCT COMMITTEEMEN

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and removal of precinct committeemen due to disqualification in accordance with lists dated April 6, 2005, as submitted by the Elections Director, on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

SECURED TAX ROLL CORRECTIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (ADM705)

TAX ROLL	FROM RESOLUTION NO.	NET RESULT
1999	33571	-\$101,408.00
2001	33572	-\$59.35
2004	33573	-\$1,577.43
2004	33573	-\$1,484.61
2004	33573	\$619.58
2004	33573	\$583.84
2004	33573	\$3,654.54

SETTLEMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the Settlement Agreement between Pharmacy Director, Correctional Health Services and Maricopa County as discussed in Executive Session on April 4, 2005. (C2605011700) (ADM409)

SETTLEMENT OF TAX CASES

No settlements of tax cases were presented at this time.

STALE DATED WARRANTS

No stale dated warrants were presented at this time.

TAX ABATEMENTS

No tax abatements were presented at this time.

COMPROMISES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to accept the requested compromises as payment in full for the following cases: (Discussed in Executive Session held March 21, 2005). (ADM407)

Chinchilla, Aura	\$2,500.00	Reyes, Juan Ramirez	\$15,000.00
Cozar, Leandro	\$6,500.00	Schaub, Lowell	\$3,500.00

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Goin, Kip	\$4,307.06	Stahle, John	\$183,740.48
Maguire, Brandon C.	\$2,000.00	Vale, Cynthia	\$18,500.00

WRITE-OFFS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to accept the requested write-offs for accounting purposes only for the following cases: (Discussed in Executive Session held March 21, 2005). (ADM407)

Anderberg, Suzanne	\$27,972.22	Daub, Dale	\$1,020.00
Avila, Evelyn	\$30.00	Boyd, Roger	\$3,050.00
McGinnis, Travis	\$250.00	Colbert, Martha	\$7,614.71
Hernandez, Ronnie	\$67.00	Kahn, Mohammed	\$4,108.18
Vaughn, Tasha	\$150.00	Orosco, Maximillano	\$23,493.02
Alvardo, Felipe	\$1,122.50	White, Mikel Philden	\$43,991.45
Daub, Dale	\$1,888.00		

PUBLIC COMMENT

No member of the public came forward to speak at this time. (ADM605)

SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS

Supervisor Brock announced that Maricopa County and the City of Tempe are holding a 3-hour County Island Clean-Up on April 30th, 2005 and is in need of volunteers. Supervisor Stapley congratulated the Diamondbacks for their first win of the season and noted that the Bank One Ballpark is a great facility. Supervisor Wilcox welcomed Deanne Poulos as the Board of Supervisors Press Secretary and congratulated Christina Leonard, Reporter, on the birth of her baby. She also made special note of the passing of Pope John Paul II and Supervisor Kunasek supported. Chairman Wilson expressed the trash dumping along County roads is becoming an increasing problem and suggested the Rainbow Valley dumping grounds extend their hours of operation to more than three days. Lastly, he commented on the rapid growth in the County and the lack of transportation systems to support the growth.

CODE ENFORCEMENT REVIEW – ROBERT AND SANDRA DIXON

Chairman Wilson called for a public hearing on the review of the hearing officer's order of judgment in the zoning code violation case no. V2004-00185, Robert and Sandra Dixon. This hearing continued from meetings on January 5, 2005, January 19, 2005 and February 2, 2005. (ADM3417-026)

In this case the property owner, Mrs. Sandra Dixon, was accused of operating a commercial business consisting of a horse riding facility for profit. The matter was continued to allow Mrs. Dixon time to apply for a Special Use Permit. Two meetings were scheduled since the time of the initial hearing to assist Mrs. Dixon in obtaining a Special Use Permit and it was noted that she did not attend either meeting.

Mrs. Dixon spoke in her defense and noted she was not aware of the two meetings scheduled to obtain a Special Use Permit. Mrs. Dixon did meet with Thara Johnson, Planning and Development, on April 19, 2005 and is in the process of applying for a Special Use Permit which will allow her to run a business to explore rural lifestyle and horse riding. Mrs. Dixon noted that she is willing to follow the necessary steps to stay in compliance.

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Supervisor Brock questioned why Mrs. Dixon had not completed the process of applying for a Special Use Permit. Mrs. Dixon answered she has attended a pre-application and a secondary meeting along with meeting with Thara Johnson of Planning and Development. She explained personal matters have delayed the application process but she does intend to complete the process. Mrs. Dixon intentions are to offer a community service under the Rural 43 Zoning. It was not originally intended to establish a commercial business.

Chairman Wilson and Supervisor Brock commented on the patience of the Board and Planning and Development in this case as it has been heard four times. Supervisor Brock reminded Mrs. Dixon that the hearing is not to discuss a Special Use Permit but to uphold or reject the evidence presented by the Hearing Officer and move forward.

Supervisor Kunasek again questioned Mrs. Dixon as to why she had not filed the Special Use Permit application. Mrs. Dixon disclosed that her application had been reject by Planning and Development due to missing information but it is now complete with notes provided by Ms. Johnson. Darren Gerard, Deputy Director, Planning and Development Director, confirmed the meeting dates Mrs. Dixon had not attended and further explained that Ms. Johnson was not aware of the code violation at the time of her meeting with Mrs. Dixon therefore the notes provided are not sufficient. Mr. Gerard concluded that Mrs. Dixon had over five months to apply for a Special Use Permit which was adequate time to obtain the permit.

Supervisor Stapley stated there is no reason to support the idea of continuing the hearing for a later date. Supervisor Brock verified with Planning and Development that there was no new information regarding the case and concluded that the Board had sufficient evidence to proceed with the decision regarding the hearing officer's order of judgment. Supervisor Brock encouraged Mrs. Dixon to complete the application process and put her property in compliance.

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to uphold the hearing officer's recommendation.

Mrs. Dixon reinstated that she did not miss any meeting scheduled. She also felt that there was not sufficient evidence other than a vague website and a comment made by her husband to verify her services were for profit.

PLANNING AND ZONING AGENDA

David Smith and Paul Golab left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Deputy County Manager, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

REGULAR AGENDA DETAIL:

- | | | |
|-----------|-------------------|--|
| 1. | Z2004-027 | District 5 (Continued from March 9, 2005) |
| | Applicant: | Rulon Anderson on behalf of T-Mobile and Lloyd Banning |
| | Location: | West side of 67th Avenue, north of Broadway Road (in the southwest Phoenix area) |

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Request: Special Use Permit (SUP) for a wireless communications facility in the Rural-43 zoning district, Cellular Use District 1 – T-Mobile Banning Farm Hay Sales (600 sq. ft.)

COMMISSION ACTION: Commissioner Harris moved to recommend approval of Z2004-027, subject to the following stipulations "a" through "i". Commissioner Smith seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development and use of the site shall be in substantial conformance with the site plan entitled "T-Mobile, PH 20106A, Banning Farms Hay Sales", consisting of five (5) full-size sheets prepared by Young Design Corporation, dated revised May 13, 2004, stamped by the architect May 13, 2004, 2004, and stamped received January 13, 2005, except as modified by the following stipulations.
- b. Development and use of the site shall be in conformance with the narrative report entitled "T-Mobile, Project Submittal Narrative for a Special Use Permit, Banning Farms Hay Sales, 3836 S. 67th Ave., Phoenix, AZ 85043", consisting of three (3) pages, stamped received January 13, 2005, except as modified by the following stipulations.
- c. Dedication of additional rights-of-way to bring the total half-width dedication to 65' for 67th Avenue shall occur within 6 months of approval of this request by the Board of supervisors, and prior to zoning clearance.
- d. The height of the monopole, including any attachments, shall be limited to 65'. Co-location shall be allowed.
- e. This Special Use Permit shall expire 10 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements, including the monopole, shall be removed within 60 days of such termination or expiration.
- f. The applicant shall submit a written report outlining the status of the development at the end of two years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations. The status report shall include photographs of the facility.
- g. Antenna arrays shall be of a minimal width and mounting equipment. No catwalk type designs shall be permitted.
- h. An administrative amendment shall be required to co-locate future carriers on the monopole.
- i. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Maricopa County Planning and Development Department or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

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- j. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- k. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- l. The applicant shall obtain the necessary permits prior to the commencement of any site improvements. Prior to any construction or placement of any equipment, the applicant shall obtain the necessary construction permits from the Maricopa County Planning and Development Department for all structures on the property.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the recommendation from the Planning Commission for approval with stipulations "a" through "l" as given above. With revised language to stipulations "a" through "l" as follows:

- a. Development and use of the site shall be in substantial conformance with the site plan entitled "T-Mobile, PH 20106A, Banning Farms Hay Sales", consisting of five (5) full-size sheets prepared by Young Design Corporation, dated revised ~~May 13, 2004~~, March 11, 2005 stamped by the architect ~~May 13, 2004~~, March 11, 2005, and stamped received ~~January 13, 2005~~, March 15, 2005 except as modified by the following stipulations. Within 30 days and prior to drainage clearance, the site plan shall be revised as follows:
 - 1. Provide correct information on "vertical" finished floor data.
 - 2. Provide certification statement saying "All finish floors shown on this plan are free from inundation during a 100-year peak runoff event".
- b. Development and use of the site shall be in conformance with the narrative report entitled "T-Mobile, Project Submittal Narrative for a Special Use Permit, Banning Farms Hay Sales, 3836 S. 67th Ave., Phoenix, AZ 85043", consisting of three (3) pages, dated March 14, 2005 and stamped received ~~January 13, 2005~~, March 25, 2005, except as modified by the following stipulations.
- ~~c. Dedication of additional rights of way to bring the total half-width dedication to 65' for 67th Avenue shall occur within 6 months of approval of this request by the Board of supervisors, and prior to zoning clearance.~~
- d.
- c. The height of the monopole, including any attachments, shall be limited to ~~65'~~ 80". Co-location shall be allowed.
- e.
- d. This Special Use Permit shall expire 10 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the

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use, whichever occurs first. All of the site improvements, including the monopole, shall be removed within 60 days of such termination or expiration.

- ~~f.~~
- e. The applicant shall submit a written report outlining the status of the development at the end of two years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations. The status report shall include photographs of the facility.
- ~~g.~~
- f. Antenna arrays shall be of a minimal width and mounting equipment. No catwalk type designs shall be permitted.
- ~~h.~~ ~~An administrative amendment shall be required to co-locate future carriers on the monopole.~~
- ~~i.~~
- g. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Maricopa County Planning and Development Department or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- ~~j.~~
- h. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- ~~k.~~
- i. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- ~~l.~~
- j. The applicant shall obtain the necessary permits prior to the commencement of any site improvements. Prior to any construction or placement of any equipment, the applicant shall obtain the necessary construction permits from the Maricopa County Planning and Development Department for all structures on the property.

2. CPA2004-004 District 4

Applicant: Crosswinds at Arroyo Seco, LLC

Location: Northeast of Tuthill Road and Thomas Road (in the Buckeye area)

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Request: Plan Amendment to the White Tank/Grand Avenue Area Plan to change the land use classification of the subject site from Large Lot Residential (1-2 d.u./ac.) to Rural (0-1 d.u./ac.) for Arroyo Seco (approx. 285.0 gross acres)

COMMISSION ACTION: Commissioner Jones moved to recommend approval of CPA2004-004, subject to the following stipulations "a" through "d". Commissioner Munoz seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall comply with the narrative report entitled, "Arroyo Seco Minor Comprehensive Plan Amendment", a bound document consisting of two (2) pages plus exhibits dated revised October 2004 and stamped received November 3, 2004, except as modified by the following stipulations.
- b. The Applicant shall make a \$150.00 contribution to the Maricopa County Parks and Recreation Department for every building permit issued to Crosswinds at Arroyo Seco, LLC, to the Maricopa County Parks and Recreation Department.
- c. The applicant shall make a \$377.00 life assessment for each housing unit constructed to the Maricopa County Library District.
- d. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the "vicinity of a military airport" as described by State of Arizona statute A.R.S. 28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct overflights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department."

Such notification shall be recorded on all final plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than 8 1/2 inch by 11 inch sign, and be

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included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "d" and the accompanying resolution stated below.

RESOLUTION ARROYO SECO

BE IT RESOLVED by the Maricopa County Board of Supervisors as follows:

WHEREAS, Maricopa County adopted its Comprehensive Plan in accordance with Title 11, Section 806 of the Arizona Revised Statutes to help bring about coordinated physical development consistent with the present and future needs of Maricopa County; and

WHEREAS, Eye to the Future 2020, the Maricopa County Comprehensive Plan, recognizes the importance of having a comprehensive plan amendment process so that this plan can be responsive and flexible to meet the changing conditions of Maricopa County; and

WHEREAS, Maricopa County has an approved process where specific criteria is used to determine when comprehensive plan amendments are necessary, how comprehensive plan amendments are to be processed, and at what point comprehensive plan amendments can be presented at a public hearing by the Board of Supervisors, upon recommendation by the Planning and Zoning Commission; and

WHEREAS, Case number CPA 200404 meets the requirements for a comprehensive plan amendment and was processed according to the approved Maricopa County Comprehensive Plan Amendment Guidelines, including all legal notification requirements; and

WHEREAS, Title 11, Section 824 of the Arizona Revised Statutes requires that amendments to the Comprehensive Plan be approved by resolution of the Board of Supervisors; and

WHEREAS, the Maricopa County Board of Supervisors has carefully considered this comprehensive plan amendment application, has held a public hearing regarding this comprehensive plan amendment application, and finds that this comprehensive plan amendment constitutes an overall improvement to the Maricopa County Comprehensive Plan and to Maricopa County in general.

NOW, THEREFORE BE IT RESOLVED that the comprehensive plan amendment application for case number CPA 200404, is hereby approved.

DATED this 6th day of April 2005.

/s/ Max W. Wilson, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

- | | | |
|-----------|-------------------|---|
| 3. | Z2004-076 | District 4 |
| | Applicant: | Crosswinds at Arroyo Seco, LLC |
| | Location: | Northeast corner of Tuthill Road and Thomas Road (in the Buckeye area) |
| | Request: | Rezone from Rural-43 to R1-35 for Arroyo Seco (approx. 285.0 gross acres) |

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COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2004-076, subject to the following stipulations "a" through "p". Commissioner Barney seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall comply with the zoning exhibit entitled "Preliminary Plat for a subdivision and Zoning Exhibit in the R1-35 zoning District, Arroyo Seco Phase 1 & 2", consisting of seven (7) full-size sheets (including landscape plans) dated February 2, 2005 (by the Civil Engineer) and February 7, 2005 (by the Landscape Architect) and stamped received February 17, 2005 except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Arroyo Seco", a bound document consisting of twenty (20) pages plus exhibits dated revised January 2005 and stamped received February 7, 2005 except as modified by the following stipulations.
- c. As identified on the applicant's zoning exhibit and in their narrative report, the subject site shall be limited to a maximum of 259 lots and a minimum of 22.4 acres of open space.
- d. All irrigation of common areas shall be in compliance with Arizona Department of Water Resources regulations. When sufficiently available, all irrigation of common areas shall be done entirely with treated effluent.
- e. The Arroyo Seco Residences Homeowner's Association shall be responsible for the maintenance and upkeep of all public open spaces and facilities, parks, roadway landscaping, landscaping within the public right-of-way adjacent to all public and private roadways, and of pedestrian and bicycle paths.
- f. Dedication of additional right-of-way to bring the ultimate half-width dedication to 65' for Jackrabbit Trail shall occur prior to zoning clearance. All other right-of-way dedication as shown on the zoning exhibit shall be in accordance with MCDOT requirements.
- g. All interior streets within the proposed development are to be constructed to minimum County standards.
- h. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- i. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- j. The applicant shall meet the following Maricopa County Department of Transportation (MCDOT) requirement:

The Applicant shall contribute their proportionate share to offsite regional roadway improvements, based upon their proposed 259 total residential units. The contribution will be \$4,708.00 per dwelling unit, which shall be adjusted annually based upon the GDP Price Deflator as defined in Section 41-563, Subsection E of the Arizona Revised

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Statutes. The Applicant may choose to construct off-site street improvements in lieu of payment of this fee. Such off-site street improvements must be roadways included in the Regional Transportation Plan, must be all-weather facilities, must meet county standards in effect at the time they are improved, and must be pre-approved by MCDOT. If the Applicant chooses not to construct off-site regional roadway improvements, the Applicant shall pay the contribution amount at the time individual building permits are issued, or per an alternate agreement as approved by MCDOT.

- k. The applicant shall meet the following Maricopa County Parks and Recreation Department requirement:

One hundred fifty dollars (\$150) per house will be paid by the developer as each residential building permit is issued to a fund for the White Tank Mountain Regional Park for trails and facilities enhancement and maintenance. The County shall deposit and hold all receipts in the parks special revenue fund for the specific purposes stated above. All interest earned on the fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing County appropriations for similar purposes, but rather are intended as supplemental resources resulting from additional park usage of Arroyo Seco residents. Maricopa County Parks and Recreation Department will provide each residential unit in the Arroyo Seco subdivision with a one-year, seventy-five dollar (\$75) voucher toward the purchase of an annual pass for entrance into any desert mountain regional park administered by said department, except Lake Pleasant Regional Park.

- l. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- m. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All H.V.A.C. units shall be ground-mounted.
- n. Major changes to the Zoning Exhibit and Narrative Report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
- o. Noncompliance with the Zoning Exhibit and Narrative Report or the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action for revocation of zoning approval in accordance with The Maricopa County Zoning Ordinance.
- p. The applicant shall make a \$377.00 life assessment for each housing unit constructed to the Maricopa County Library District.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the recommendation from the Planning Commission for approval with stipulations "a" through "p."

4. Z2004-059 District 1

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Applicant: Thomas Hope
Location: West of the southwest corner of Power Road and Warner Road (in the Gilbert area)
Request: Special Use Permit (SUP) in the AD-3 zoning district – JPEL Industries (1.1 acres)

COMMISSION ACTION: Commissioner Masel moved to recommend approval of Z2004-059, subject to the following stipulations “a” through “q”. Commissioner Munoz seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall be in substantial conformance with the site plan entitled “Request for a Special Use Permit for JPEL Properties”, consisting of one (1) full-size sheet, dated June 7, 2004 and stamped received January 25, 2005, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled “JPEL Properties, LLC”, consisting of fourteen (14) pages, stamped received January 25, 2005, except as modified by the following stipulations.
- c. Dedication of additional rights-of-way to bring the total half-width dedication to 65’ for Warner Rd. and bonding for ultimate improvements (curb, gutter, pavement and sidewalk) along the frontage of the site shall occur within six (6) months of approval of this request by the Board of supervisors, and prior to zoning clearance.
- d. Prior to zoning clearance, the applicant shall provide evidence of an “aviation easement”, an “aircraft noise disclosure statement”, and notice on the title regarding potential aircraft noise in conformance with Williams Gateway Airport Authority requirements.
- e. A 30’ wide landscape strip along the entire site frontage shall be required. Vegetation may include existing trees as well as additional low water usage trees, shrubs, ground cover, and decomposed granite. Sight triangles must be maintained and all landscaping shall be maintained in good health for the life of the SUP.
- f. For screening purposes, a 6’ high CMU wall is required around the site in the location depicted on the site plan.
- g. Outdoor storage shall be limited to the areas designated on the site plan (approx. 5,500 sq. ft.).
- h. The days and hours of operation for the business shall be limited to Monday through Friday, 7:00 a.m. to 5:00 p.m.
- i. The site shall be limited to twelve (12) employees (1 per 3,500 sq. ft. of net lot area).
- j. The use shall conform to all regulations of the 1978 Military Airport Zoning Ordinance AD-3 zoning district.

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- k. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- l. If the water system used on-site meets Public Water System criteria, then the applicant/owner/lessee must apply for a Public Water System with the Maricopa County Environmental Services Department and become permitted as a Public Water System.
- m. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- n. This Special Use Permit shall expire ten (10) years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first.
- o. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Maricopa County Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- p. Major changes to this Special Use Permit (site plan and narrative report), or the conditions of approval, shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- q. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "q"

5. **Z2004-119 District 1**
 Applicant: Verizon Wireless, LLC
 Location: Near the southwest corner of Gilbert Road and Chandler Boulevard (in the east Chandler area)
 Request: Special Use Permit (SUP) in the R-5 zoning district, Cellular Use District 1 – Verizon Wireless – PHO Norton's Corner (0.03 acres)

COMMISSION ACTION: Commissioner Masel moved to recommend approval of Z2004-119, subject to the following stipulations "a" through "j". Commissioner Smith seconded the motion, which passed with a unanimous vote of 8-0.

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- a. Development and use of the site shall be in substantial conformance with the site plan entitled "PHO Norton's Corner (2) – 15606 S. Gilbert Road Chandler, Arizona 85225" consisting of two (2) full-sized sheets prepared by L/D Architects, dated revised January 7, 2005, stamped by the architect January 7, 2004, and stamped received January 20, 2005, except as modified by the following stipulations.
- b. Development and use of the site shall be in conformance with the narrative report entitled "Project Name: Verizon Wireless - PHO Norton's Corner Special Use Permit Application – Z2004119 Narrative Report" consisting of five (5) pages, dated revised January 17, 2005 and stamped received January 20, 2005, except as modified by the following stipulations.
- c. The height of the monopole, including any attachments, shall be limited to 60'.
- d. The applicant shall obtain the necessary permits prior to the commencement of any site improvements. Prior to any construction or placement of any equipment, the applicant shall obtain the necessary construction permits under currently applicable building codes from the Maricopa County Planning and Development Department for all structures on the Special Use Permit site.
- e. The applicant shall provide evidence to MCDOT that the access driveway to the site is paved in the County right-of-way on Gilbert Rd., or provide the necessary paving, prior to obtaining the required building permits.
- f. This Special Use Permit shall expire twenty-five (25) years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements, including the monopole, shall be removed within 60 days of such termination or expiration.
- g. The applicant shall submit a written report outlining the status of the development at the end of five (5) and twenty (20) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations. The status report shall include photographs of the facility.
- h. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Maricopa County Planning and Development Department or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- i. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.

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- j. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "j"

6. **Z2005-001** **District 4**
Applicant: Commission initiated
Location: North side of Old Hwy. 80 between SR 85 and Turner Road (in the Buckeye area)
Request: Rezone from C-3 to Rural-43 – Old Hwy. 80 Rezone (10 acres)

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2005-001. Commissioner Jones seconded the motion, which passed with a unanimous vote of 8-0.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval of the Rezone.

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board